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9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 EDUARDO ROSALES-LABRA,
15 Defendant.
16

CASE NO. 1:20-CR-00030-NONE-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT
AND ORDER THEREON

DATE: April 20, 2020
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for status on April 20, 2020.
- 21 2. By this stipulation, defendant now moves to continue the status conference until June 29,
22 2020, and to exclude time between April 20, 2020, and June 29, 2020, under Local Code T4.
- 23 3. The parties agree and stipulate, and request that the Court find the following:
- 24 a) The government has represented that all discovery associated with this case has
25 been either produced directly to counsel and/or made available for inspection and copying.
- 26 b) Counsel for defendant desires additional time to review discovery and discuss
27 resolution of the case with counsel for the government and with his client.
- 28 c) The current national health crisis has resulted in restriction access to the county

1 jail where defendant is presently incarcerated, which has impeded defense counsel's ability to
2 consult with this client.

3 d) Counsel for defendant believes that failure to grant the above-requested
4 continuance would deny him/her the reasonable time necessary for effective preparation, taking
5 into account the exercise of due diligence.

6 e) The government does not object to the continuance.

7 f) Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendant in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of April 20, 2020 to June 29, 2020,
12 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
13 because it results from a continuance granted by the Court at defendant's request on the basis of
14 the Court's finding that the ends of justice served by taking such action outweigh the best interest
15 of the public and the defendant in a speedy trial.

16 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
18 must commence.

19 IT IS SO STIPULATED.

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21 Dated: March 17, 2020

22 MCGREGOR W. SCOTT
United States Attorney

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24 /s/ LAURA D. WITHERS
LAURA D. WITHERS
Assistant United States Attorney

25
26 Dated: March 17, 2020

27 /s/ MICHAEL BERDINELLA
MICHAEL BERDINELLA
Counsel for Defendant
28 EDUARDO ROSALES-LABRA

ORDER

IT IS SO ORDERED.

Dated: March 17, 2020

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE